

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERNEST PADILLA, PERSONAL REPRESENTATIVE
OF THE ESTATE OF ROBERT DOTSON, DECEASED;
KIMBERLY DOTSON,
INDIVIDUALLY AND AS PARENT AND NEXT FRIEND
OF JULIA
DOTSON; AND ZACHARY-MORA DOTSON,

Plaintiffs

v.

Case No. 1:23-cv-00790-MLG-KK

CITY OF FARMINGTON, NEW MEXICO;
DANIEL ESTRADA; DYLAN GOODLUCK;
AND WAYLON WASSON,

Defendants.

**ORDER OVERRULING PLAINTIFFS' OBJECTIONS TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT EXHIBITS**

Plaintiffs Ernest Padilla, as personal representative of Robert Dotson's estate, Kimberly Dotson, Julia Dotson, and Zachary Mora-Dotson (collectively "Plaintiffs") filed objections to exhibits attached to Defendants' Motions for Partial Summary Judgment, Doc. 54, on April 5, 2024. Having reviewed the parties' submissions and the applicable law, the Court overrules Plaintiffs' pending objections.¹

At the summary judgment stage, the trial court may "consider uncontested facts and admissible material." *Mitchell v. Zia Park, LLC*, 842 F. Supp. 2d 1316, 1320 (D.N.M. 2012). The evidence submitted by the parties need not be in admissible form so long as the substance of the evidence would be admissible at trial. *Johnson v. Weld Cnty., Colo.*, 594 F.3d 1202, 1210 (10th

¹ Plaintiffs initially objected to Doc. 35-4 but have since withdrawn that objection. Doc. 54 at 1; Doc. 66 at 2.

Cir. 2010). Here, all of the challenged exhibits would be admissible at trial if proper foundation is laid. *See* Doc. 35-5; 35-8; 35-9; 35-10; 35-11; 35-12; 35-13.

Accordingly, Plaintiffs' objections to Defendants' motion for summary judgment exhibits are overruled.

It is so ordered.


UNITED STATES DISTRICT JUDGE
MATTHEW L. GARCIA